AL-14-001-2181

United States Senate

WASHINGTON, DC 20510

July 10, 2014

By Electronic Mail

Adverse Comments on EPA's Administrative Wage Garnishment Direct Final Rule
Agency/Docket Number: FRL-9910-14-OCFO

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
1300 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator McCarthy,

We recently learned of the Environmental Protection Agency's (EPA) direct final rule on administrative wage garnishment. The direct final rule purports to allow EPA to garnish—without first obtaining a court order—personal wages for the collection of non-tax debts owed to the government. We believe the direct rule represents an inappropriate effort to avoid preliminary judicial scrutiny of EPA garnishment proceedings. Through this comment letter, we delineate a clear adverse position and request that EPA withdraw its direct final rule.

EPA announced its direct final rule on administrative wage garnishment on July 2, 2014.[1] According to EPA, the direct final rule implements the Debt Collection Improvement Act of 1996 (DCIA), which governs procedures for the administrative garnishment of personal wages.[2] EPA states that "[p]rior to the enactment of the DCIA, Federal agencies were required to obtain a court judgment before garnishing non-Federal wages," and that the direct final rule "will allow the EPA to garnish non-Federal wages to collect delinquent non-tax debts owed the United States without first obtaining a court order."[3]

While we recognize the government's legitimate interest in efficiently and effectively pursuing delinquent debt, EPA's new wage garnishment procedures provide an agency prone to regulatory abuses with even more power over individual Americans. For example, under the direct final rule, EPA will decide for itself whether or not a debtor is entitled to present an oral defense before the agency; EPA need only determine that a garnishment dispute can be resolved by review of the documentary evidence in order to prevent the debtor from making his case orally.[4] Likewise, the direct final rule authorizes EPA to unilaterally choose a hearing officer for

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[1] *See* Envtl. Prot. Agency, Admin. Wage Garnishment, 79 Fed. Reg. 37644 (July 2, 2014).
[2] *See id.*
[3] *Id.*, 79 Fed. Reg. at 37644-37645.
[4] *See* 31 C.F.R. 285.11(f)(3)(i), *adopted by* 79 Fed. Reg. 37644.

a garnishment hearing without input from the debtor, and regardless of whether the officer is an administrative law judge.[5]

Thus, EPA has removed initial administrative garnishment proceedings from a neutral court setting to a non-judicial process dictated by the agency. EPA's decision to give itself the authority to garnish wages without first obtaining a court order compounds the challenge for individuals who face threats of ruinous fines from the agency. We note in particular the case of West Virginia farmer Lois Alt, whom EPA threatened with civil penalties of up to $37,500 per day because stormwater which flowed across her property and into a "water of the United States" had come into contact with dust, feathers, and small amounts of manure located on the ground.[6] We are mindful as well of EPA's January 2014 compliance order for Andy Johnson of Uinta County, Wyoming. The terms of the compliance order suggest that EPA is threatening Mr. Johnson with fines of as much as $187,500 per day for building a pond on his private property.[7] We question whether EPA's newfound authority to garnish wages without first obtaining a court order is in fact a ploy to make people like Ms. Alt and Mr. Johnson think twice before challenging the agency over its regulatory jurisdiction. Moreover, we are extremely concerned that a precipitous garnishment of wages by EPA without a court order could instantly crush an individual or family.

Finally, EPA's decision to grant itself more power over private citizens is unwarranted given the agency's repeated failure to manage its own personnel. The bizarre tale of John Beale and other recent accounts of EPA employee misconduct demonstrate that wasted taxpayer resources and mismanagement permeate the agency.[8] It would seem to make little sense for EPA to have the authority to garnish wages of private citizens without a court order, when the agency is apparently unable to properly oversee wage payments to its own employees or otherwise restrict the distribution of unearned pension benefits.[9] Congress and the American people need to be assured that EPA's internal management issues are resolved before any consideration of such authority.

The direct final rule indicated that if EPA receives adverse comments by August 1, 2014, "it will publish a timely withdrawal of the direct final rule in the Federal Register and inform the public that the rule will not take effect."[10] Based on the adverse comments discussed above, and pursuant to the EPA's commitment, we ask that EPA withdraw its direct final rule on administrative wage garnishment immediately.

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[5] *See* 31 C.F.R. 285.11(f)(6), *adopted by* 79 Fed. Reg. 37644.
[6] Letter from Senator David Vitter to Nancy K. Stoner, Acting Assistant Administrator, Environmental Protection Agency Office of Water re: *Alt v. EPA* (Nov. 5, 2013).
[7] Letter from Senator David Vitter, et al., to Nancy K. Stoner, Acting Assistant Administrator, Environmental Protection Agency Office of Water re: Region 8 Compliance Order (April 1, 2014).
[8] *Management Failures: Oversight of the EPA*, Hearing Before the H. Comm. on Oversight and Gov't Reform, 113th Cong. (June 25, 2014) (statement of Sen. David Vitter).
[9] *See* Letter from Senator David Vitter to Hon. Katherine Archuleta, Director, Office of Personnel Management re: EPA wage and pension issues (Nov. 5, 2013).
[10] 79 Fed. Reg. at 37644.

Sincerely,

David Vitter
United States Senate

Mike Enzi
United States Senate

John Barrasso, M.D.
United States Senate

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 27 2014

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable David Vitter
United States Senate
Washington, D.C. 20510

Dear Senator Vitter:

Thank you for your letter of July 10, 2014, to the U.S. Environmental Protection Agency's Administrator, Gina McCarthy. I appreciate this opportunity to clarify the EPA's direct final rule, "Administrative Wage Garnishment," which we published in the Federal Register on July 2, 2014, at 79 FR 37644. Due to comments the agency has received and per the Federal Register notice, we published a withdraw notice for the direct final rule in the Federal Register on July 17, 2014, at 79 FR 41646. However, our proposed rule to use administrative wage garnishment as a debt collection tool remains open. On July 23, 2014, the EPA extended the comment period to September 2, 2014, in order to provide additional time for public comment to the agency on this proposed rule.

The Debt Collection Improvement Act of 1996 gives federal agencies the authority to collect delinquent nontax debt owed to the United States through administrative wage garnishment. Currently, at least 30 federal agencies use such wage garnishment to collect federal debt. We are unaware of any successful constitutional due process challenges to the Debt Collection Improvement Act of 1996.

The EPA will begin using administrative wage garnishment after the proposed rule becomes final and following negotiations with the Department of Treasury on a memorandum of understanding, as the EPA has chosen for Treasury to conduct any administrative wage garnishment hearings on the EPA's behalf. When the EPA begins using administrative wage garnishment, the Department of Treasury will send a wage garnishment notice to the debtor, the debtor will be afforded the full opportunity to exercise his/her due process rights, and, if administrative wage garnishment ensues, the EPA will receive the proceeds from the collection minus fees charged by the Treasury to the EPA for performing this service. The EPA's ability to use the money will depend on the nature of the appropriation from which the collection occurred.

Administrative wage garnishment is only one of a suite of debt collection tools used by federal agencies to collect delinquent nontax debt. Our proposed rule will make available this tool to the EPA, so the EPA can join with other federal agencies in ensuring that nontax delinquent debts are recovered for appropriate public use per the Debt Collection Improvement Act of 1996.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

Maryann Froehlich

Maryann Froehlich
Acting Chief Financial Officer

AL-14-001-3607

TIM KAINE
VIRGINIA

COMMITTEE ON
ARMED SERVICES

COMMITTEE ON
FOREIGN RELATIONS

COMMITTEE ON
THE BUDGET

United States Senate

WASHINGTON, DC 20510-4607

WASHINGTON OFFICE:
WASHINGTON, DC 20510-4607
(202) 224-4024

July 22, 2014

Ms. Laura Vaught
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Vaught:

I have recently been contacted by exempt 6. Attached please find a copy of that correspondence. I would appreciate it if you could look into this matter and provide me with an appropriate response. Thank you

Sincerely,

Tim Kaine

exempt 6

exempt 6

exempt 6

exempt 6

Message: Dear Senator,

This is completely outrageous!!! Stop this now!

"The Environmental Protection Agency has quietly claimed that it has the authority to unilaterally garnish the wages of individuals who have been accused of violating its rules. According to The Washington Times, the agency announced the plan to enhance its purview last week in a notice in the Federal Register. The notice claimed that federal law allows the EPA to "garnish non-Federal wages to collect delinquent non-tax debts owed the United States without first obtaining a court order."

Sincerely,

exempt 6

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT - 8 2014

OFFICE OF THE
CHIEF FINANCIAL OFFICER

The Honorable Tim Kaine
United States Senate
Washington, DC 20510

Dear Senator Kaine:

Thank you for your letter of July 22, 2014, to the U.S. Environmental Protection Agency's Office of Congressional and Intergovernmental Relations. I appreciate this opportunity to clarify for your constituent, exempt 6, the EPA's direct final rule, "Administrative Wage Garnishment," which the EPA published in the Federal Register on July 2, 2014, at 79 FR 37644. This Federal Register notice advised the public that the direct final rule would be withdrawn if the EPA received adverse comments. The EPA withdrew the direct final rule on July 17, 2014, at 79 FR 41646, after receiving adverse comments. The EPA's proposed rule to use administrative wage garnishment as a debt collection tool however, remained open. On July 23, 2014 the EPA extended the comment period, which closed on September 2, 2014, to provide additional time for public comment to the agency.

The Debt Collection Improvement Act of 1996 (Public Law 104-134) gives federal agencies the authority to collect delinquent non-tax debt owed by individuals to the United States through administrative wage garnishment without first obtaining a court order after debtors have been afforded appropriate due process rights, such as the right to request an administrative pre-wage garnishment hearing. Currently, at least 30 federal agencies use such wage garnishment to collect non-tax delinquent federal debt. We are unaware of any successful constitutional due process challenges to the Debt Collection Improvement Act of 1996. In addition, administrative wage garnishment is a collection tool authorized by the Congress and the proposed rule does not give the EPA new authorization or put into place new authorities.

The EPA will begin using administrative wage garnishment after the proposed rule becomes final and following negotiations with the Department of Treasury on a memorandum of understanding, as the EPA has chosen for the Department of Treasury to conduct any administrative wage garnishment hearings on the EPA's behalf. When the EPA begins using administrative wage garnishment, the Department of Treasury will send a wage garnishment notice to the debtor. A debtor may request a hearing from the Department of Treasury concerning the existence or amount of the debt, or the terms of the proposed repayment schedule under the administrative wage garnishment order.

Administrative wage garnishment is only one of a suite of debt collection tools used by federal agencies to collect delinquent non-tax debt. Our proposed rule will make available this tool to the EPA, so the EPA can join with other federal agencies in ensuring that non-tax delinquent debts are recovered for appropriate public use.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina Moody in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

David A. Bloom
Acting Chief Financial Officer

AL-14-001-1970

ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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WASHINGTON, DC 20515-6143

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MINORITY (202) 225-5051

http://oversight.house.gov

July 2, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. McCarthy:

Thank you for appearing before the Committee on Oversight and Government Reform on June 25, 2014, at the hearing titled, "Management Failures: Oversight of the EPA." We appreciate the time and effort you gave as a witness before the Committee.

Pursuant to the direction of the Chairman, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you. In preparing your answers to these questions, please address your response to the Member who has submitted the questions and include the text of the Member's questions along with your response.

Please provide your response to these questions by Wednesday, July 16, 2014. Your response should be addressed to the Committee office at 2157 Rayburn House Office Building, Washington, DC 20515. Please also send an electronic version of your response by e-mail to Sarah Vance, Assistant Clerk, at Sarah.Vance@mail.house.gov in a single Word formatted document.

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Sarah Vance at (202) 225-5074.

Sincerely,

Darrell Issa
Chairman

Enclosure

cc: The Honorable Elijah Cummings, Ranking Member

Questions for Administrator Gina McCarthy
U.S. Environmental Protection Agency

Questions from Chairman Darrell Issa
House Committee on Oversight and Government Reform

June 25, 2014 Full Committee Hearing:
"Management Failures: Oversight of the EPA"
Questions regarding renewable fuel standard

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1. When will the 2014 Renewable Fuel Standard (RFS) requirement be finalized?
2. Why does EPA continue to miss Congressionally-mandated deadlines for issuing RFS requirements?
3. Will EPA commit to getting the 2015 RFS requirements issued by November?
4. Is EPA still planning to exercise its waiver authority for the 2014 RFS?
5. Will EPA increase the biodiesel requirement for 2014?

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 24 2014

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Darrell Issa
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Issa:

Thank you for your letter of July 2, 2014, requesting responses to Questions for the Record following the June 25, 2014, hearing on EPA oversight.

The responses to your questions are provided as an enclosure to this letter. Again, thank you for your letter. If you have any further questions, please contact me, or your staff may contact Cheryl Mackay in the EPA's Office of Congressional and Intergovernmental Relations at mackay.cheryl@epa.gov or (202) 564-2023.

Sincerely,

Laura Vaught
Associate Administrator

Enclosure

cc: The Honorable Elijah Cummings, Ranking Member

House Committee on Oversight and Government Reform
Hearing on "Management Failures: Oversight of the EPA"
June 25, 2014
Questions for the Record

Questions from Chairman Darrell Issa

1. When will the 2014 Renewable Fuel Standard (RFS) requirement be finalized?

EPA continues to work on the 2014 Renewable Fuel Standard (RFS) requirements final rule, which will establish the required applicable volumes and percentage standards. The rule is a priority for us, and we hope to finalize it soon.

2. Why does EPA continue to miss Congressionally-mandated deadlines for issuing RFS requirements?

The deadlines that Congress established for issuing annual rules under the RFS program are aggressive. The challenges involved with proposing and finalizing even a minor rulemaking can be significant, and in the case of RFS rulemakings, where the issues and analysis involved are often complex, the challenges are typically even more substantial. The RFS touches a range of complex environmental, energy, and agricultural issues, and a broad range of stakeholders are interested and engaged in the policy process. Furthermore, the fact that the rules establishing the RFS standards are required by law to be issued on an annual basis exacerbates these challenges.

Nevertheless, EPA has met with multiple stakeholders to listen to their input on the proposed rule and to solicit any new and relevant data that should be factored into setting the volume standards for 2014. These stakeholders include representatives from the biofuel sector, the agricultural sector, petroleum refiners, environmental groups, and various other organizations and sectors. The EPA also received over 340,000 comments on the 2014 RFS proposal, which we are currently evaluating. EPA is committed to improving our internal processes and we will continue to strive to better our performance in meeting the statutory deadlines.

3. Will EPA commit to getting the 2015 RFS requirements issued by November?

We intend to act as quickly as possible to propose the rule that will establish the volume requirements and standards under the RFS for 2015. EPA shares the goal of getting back on the statutory schedule for issuing the annual standards rulemakings.

4. Is EPA still planning to exercise its waiver authority for the 2014 RFS?

The EPA did propose to exercise various waiver authorities under the Clean Air Act for the proposed 2014 volume rulemaking, and we received significant comment on this issue. We are unable, however, to comment on policy decisions that will be made as part of the final rule to

establish the 2014 required volumes under the RFS, as we are still in the process of finalizing that rulemaking.

5. Will EPA increase the biodiesel requirement for 2014?

While the EPA proposed to maintain the biomass-based diesel standard at 1.28 billion gallons for 2014, whether and to what degree the biomass-based diesel standard for 2014 will be increased above 1.28 billion gallons is an issue that will be decided in and announced with the 2014 annual RFS standards final rulemaking.

AL-14-001-3606

ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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July 30, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. McCarthy:

Thank you for appearing before the Committee on Oversight and Government Reform on June 25, 2014, at the hearing titled, "Management Failures: Oversight of the EPA." We appreciate the time and effort you gave as a witness before the Committee.

Pursuant to the direction of the Chairman, the hearing record remains open to permit Members to submit additional questions to the witnesses. Attached are questions directed to you. In preparing your answers to these questions, please address your response to the Member who has submitted the questions and include the text of the Member's questions along with your response.

Please provide your response to these questions by Wednesday, August 13, 2014. Your response should be addressed to the Committee office at 2157 Rayburn House Office Building, Washington, DC 20515. Please also send an electronic version of your response by e-mail to Sarah Vance, Assistant Clerk, at Sarah.Vance@mail.house.gov in a single Word formatted document.

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Sarah Vance at (202) 225-5074.

Sincerely,

Darrell Issa
Chairman

Enclosure

cc: The Honorable Elijah Cummings, Ranking Member

Questions for Administrator McCarthy
U.S. Environmental Protection Agency

Questions from Congressman McHenry and Congressman Mark Meadows
House Committee on Oversight and Government Reform

June 25, 2014 Full Committee Hearing:
"Management Failures: Oversight of the EPA"

We received the following questions from our constituents regarding the CTS cleanup site (EPA ID: NCD003149556) in Asheville, North Carolina.

We ask that you fully consider and respond to each concern, in as timely a manner as possible, that the impacted families of Western North Carolina have directly identified to me. I appreciate your attention to this serious matter and please feel free to contact me with any inquiries that you may have.

1. Why is there a shortage of canisters to test the air when so many homes should be tested?
2. When can families expect to see movement on cleanup of springs?
3. Why can't cleaning the source be done at the same time that cleaning of the springs occurs?
4. Why EPA did not require CTS to clean up the contamination when the plant was sold and contamination was listed on their deed?
5. Why have citizens had to live with continuous contamination running onto their property all these years?
6. Why were documents removed from the library before lawsuits against CTS that could have helped families?
7. Why would EPA secretly designate properties as a CERCLA Superfund site in 1999, right when CTS was the source of contamination and already a CERCLA Site?
8. Why did it take 9 years for impacted families to be rightfully informed about the EPA's 1991 groundwater, surface water, and air testing results? Who at the EPA handled the EPA's CTS site results in 1991? And which EPA employees removed the site, in 1995, from the Superfund hazardous cleanup program?
9. Has EPA issued a contract to do the job?
10. Do other studies clearly show the area to be cleaned up?
11. How does EPA propose to actually clean up the site? Through removing TCE? Other methods?
12. Will the cleanup involve removing dirt from the site?
13. If so, how much dirt would have to be removed?
14. How does EPA propose to clean up the underground streams that flow through the site?

15. Does EPA know the source of the streams before entering the site?
16. Does EPA know where the streams are on the site?
17. Does EPA know how far down the streams are from the surface?
18. What is the depth of the contaminated soil?
19. Does EPA know of a neutralizer that can be used?
20. Does the cleanup also involve the affected residents' soil that is allegedly contaminated?
21. What is the name of the contractor for the cleanup?
22. Is the EPA paying for the cleanup? If not, it should be the one to pay, due to its negligence over the past one quarter of a century.
23. How was it decided that the cleanup will be complete in 2016?
24. What is the estimated total cost?
25. What assurance is there that, this time, the cleanup will be truly effective?
26. Why is there is no mention of the DNAPL removal actions for the source? And why have many suggested that the timeline is so flawed, beginning with it starting in 1999?
27. Why is EPA stating its position on digging up the source as not viable when, according to some sources, EPA accepted, from CTS and its contractor, digging up the source as one of two viable actions in May 2004?
28. When can we expect EPA to honor/enforce the terms of the AOCs?
29. We understand that the main contaminant – TCE – is often called "sinker" by environmental experts because it usually sinks way down into the bedrock where it is hard to find and even harder to cleanup. We also understand, however, that recent studies at the CTS site have shown that the TCE contamination is also acting as a "floater" because it is bound up with petroleum contamination floating at the surface of the groundwater. Unlike "sinkers", we understand that "floaters" are comparatively easy to cleanup. Since this is the case, why isn't EPA requiring CTS to move forward immediately to address the floating contamination while the work to investigate the sinker contamination is ongoing?
30. NAPL as a whole is addressed but not LNAPL (floater) and DNAPL (sinker). According to experts, both can be handled in different ways, at the same time. Thus, the question is whether the EPA has the legal documents that give it the authority to make CTS address remedies now. If so, will the EPA exercise its authority to ensure CTS to begin cleanup in the near future?
31. Why not advocate for a comprehensive remediation that works on removing both LNAPL (floaters) and DNAPL (sinkers)? These types of treatments exist. Also, is the Agency aware whether AMEC (who has been identified to us as CTS's contractor) has done either (or both removals) in the past?

Enclosure

Questions for Administrator McCarthy
U.S. Environmental Protection Agency

Questions from Congressman McHenry and Congressman Mark Meadows
House Committee on Oversight and Government Reform

June 25, 2014 Full Committee Hearing:
"Management Failures: Oversight of the EPA"

We received the following questions from our constituents regarding the CTS cleanup site (EPA ID: NCD003149556) in Asheville, North Carolina.

We ask that you fully consider and respond to each concern, in as timely a manner as possible, that the impacted families of Western North Carolina have directly identified to me. I appreciate your attention to this serious matter and please feel free to contact me with any inquiries that you may have.

1. Why is there a shortage of canisters to test the air when so many homes should be tested?

There is not a shortage of canisters to test the air. EPA determined that the residents at risk from any site related air contamination had been identified and that not every home in the community was at risk or needed to be tested. During each of the air sampling events (described below), scientifically based work plans were developed and included a specific number of sample canisters needed for each sampling event. Sample canisters are rented from a laboratory and certified as clean and functional prior to the lab shipping canisters to the contractor. Therefore, only the exact number of sample canisters planned for a sampling event are ordered and obtained for that event.

Per EPA's direction, CTS Corporation's contractor, AMEC Environment & Infrastructure, Inc. (AMEC), developed work plans to evaluate potential air contamination in homes near the CTS of Asheville, Inc. Superfund site (CTS site). The EPA approved AMEC's Vapor Intrusion Assessment Work Plan, Revision 2, on September 13, 2012. During October 16-18, 2012, AMEC, with EPA contractor oversight, conducted the vapor intrusion assessment on properties surrounding the Site where access had been granted [properties to the west of the CTS site]. The sampling results were within acceptable risk ranges.

In November 2013, the property owners for homes adjacent to the eastern border of the CTS site provided written permission for air sampling on their properties. AMEC revised the Vapor Intrusion Assessment Work Plan (VI Work Plan) to include inside the home air samples. AMEC submitted Revision 4 of the VI Work Plan on March 14, 2014, which EPA approved on March 28, 2014. During April 21-24, 2014, AMEC, with EPA staff and contractor oversight, collected air samples at three homes on properties east of the CTS site. On June 4, 2014, AMEC informed EPA that the analytical results had

been reviewed and data validation was complete. Trichloroethylene (also known as trichloroethene or TCE) concentrations detected in air samples collected inside of all three homes exceeded EPA Region 4's chemical/site-specific removal management level and posed a potential risk to residents in those homes. On June 6, 2014, EPA and North Carolina Department of Health representatives traveled to Asheville to inform the residents of these three homes about the sample results, answer health related questions and offer temporary relocation. All three households accepted the relocation offer and on June 7, 2014, the 13 occupants of the three homes were relocated.

EPA directed CTS Corporation to widen the circle of homes to be evaluated for air contamination and conduct additional air sampling at those homes to determine the extent of air contamination. On June 11, 2014, AMEC submitted a supplement to the VI Work Plan. On June 13, 2014, EPA conditionally approved the supplement. During June 23-25, 2014, AMEC conducted air sampling, with EPA staff and contractor oversight, at additional homes and properties near the three homes that were sampled in April. The analytical results were all within acceptable risk ranges at these additional homes and EPA determined that the residents at risk from any site related air contamination had been identified.

2. When can families expect to see movement on cleanup of springs?

On July 10, 2014, EPA issued written direction pursuant to the 2004 Administrative Order on Consent for Removal Action (AOC for Removal) for CTS Corporation to take immediate steps to mitigate threats associated with air contamination emanating from the springs on the Rice family's property, adjacent to the eastern border of the CTS site. Per the terms of the AOC for Removal, CTS Corporation has 30 days to submit a detailed work plan with a schedule for accomplishing this objective. The work plan was submitted to EPA on August 11, 2014. EPA reviewed the draft work plan and it was approved on September 9, 2014. Fieldwork began on September 10, 2014.

3. Why can't cleaning the source be done at the same time that cleaning of the springs occurs?

The EPA is using its removal and remedial authorities to simultaneously address both the source area and the springs at the CTS site. However, cleanup of the source will be more complex and will involve a longer timeframe. The EPA is using removal authority to direct CTS Corporation to undertake a time-critical removal action to promptly address the air contamination from the springs, which is providing a direct and immediate pathway for contaminants to impact the health of nearby residents.

In addition to the time-critical removal action for the springs, the EPA is using remedial authority to direct CTS Corporation to develop a Focused Feasibility Study to identify an interim remedial action to address the Non-Aqueous Phase Liquid (NAPL) source area delineated in the recently completed NAPL Investigation conducted as a part of the Remedial Investigation (RI). A RI determines the nature and extent of contamination, which means that it identifies contaminants of concern, where these contaminants have come to be located, and how the contaminants are moving within the environment. A Feasibility Study (FS) uses the information from the RI to develop and evaluate options for remedial

action, which means it reviews a variety of different alternatives for cleanup. As part of the overall RI/FS, CTS recently completed the Non-Aqueous Phased Liquid (NAPL) source area investigation, which delineated the NAPL source area. As a result of having this source area defined, the EPA has determined that while the overall RI/FS is moving forward, it is possible to take certain interim steps to clean up the NAPL source area. Therefore, the EPA has directed CTS to move ahead with a Focused Feasibility Study (FFS) to identify an appropriate interim remedial action to commence cleanup of the source area with the goal of reducing the mass of TCE, petroleum and other contaminants pending the selection of a final site remedy. Ultimately, a final remedial action(s) will be required to address any remaining NAPL and other contamination that has moved beyond the source area, but this interim action should greatly reduce the mass of contaminants available for further migration.

The interim remedial action to address the TCE/light petroleum NAPL mass is a complex, multi-year undertaking. The known technologies for this type of contamination include dual-phase extraction, flooding (surfactant, co-solvent, and steam), in-situ chemical oxidation, and thermal treatment. These technologies have been used at other sites across the country; however, each site is unique and has varying geology and contaminants. It may be necessary to conduct bench testing and pilot testing to determine which technology is best suited to address the TCE/light petroleum NAPL at this site.[1]

4. Why EPA did not require CTS to clean up the contamination when the plant was sold and contamination was listed on their deed?

The sale of the plant in 1987 was a private real estate transaction for which the owner had no obligation to notify the EPA regarding the sale of the property. Generally, the EPA does not monitor real estate transactions and is not required to perform such activity.

5. Why have citizens had to live with continuous contamination running onto their property all these years?

Since the time that contamination was identified in drinking water in 1999, EPA, the Potentially Responsible Parties (PRPs), state and local authorities have taken several significant actions to protect citizens at and around the CTS site. These actions include provision of municipal water to homes with contaminated drinking water, installing a fence around the contaminated springs, conducting quarterly well water sampling, installing whole house well water filtration systems in over 100 homes, operating a soil vapor extraction system, and conducting an ozonation pilot study for the contaminated springs.

EPA and the PRPs performed response actions, listed above, to address the immediate threats that met the National Oil and Hazardous Substances Contingency Plan (NCP) criteria for a removal action. EPA Finalized the site on the NPL in March 2012. Now that the site is on the NPL, EPA is using remedial authority to perform a comprehensive remedial investigation and feasibility study that will lead to an overall site cleanup plan.

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[1] Bench testing refers to conducting evaluations in a laboratory. Pilot testing refers to trying the technology at the site in a small area to evaluate whether the technology will be effective for site-specific geological conditions.

With respect to the air contamination and as discussed in the answer to Question #1, the EPA collected air samples related to the CTS site in December 2007 and August 2008. Analytical results from these sampling events were below levels that would trigger EPA removal action and/or temporary relocation. In 2011, the EPA changed the toxicity values for trichloroethylene (TCE) concentrations based on a new review of the science related to the health effects of TCE (http://www.epa.gov/iris/subst/0199.htm). After the change in toxicity values and after other science based changes to the EPA's method of assessing vapor intrusion, EPA started the process of re-assessing the potential of TCE vapor intrusion near the CTS site. The EPA required CTS Corporation to perform an additional vapor intrusion study in 2012 and in 2014.

Based on the new toxicity values, none of the homes sampled in 2012 west of the site had levels of TCE that exceeded EPA Region 4's chemical/site-specific removal management level. However, all of the homes sampled east of the site in April 2014 had air concentrations of TCE which triggered an emergency removal action of temporary relocation of the occupants, and a time-critical removal action to mitigate the air contamination emanating from the springs located on the adjacent residential property east of CTS' former manufacturing facility.

6. Why were documents removed from the library before lawsuits against CTS that could have helped families?

After the Administrative Record was created, the EPA delivered boxes of documents to the Asheville library to create a local information repository. About a month later, EPA delivered another box of documents to the library to be added to the site repository. With the arrival of the additional box of documents, the librarian in charge of the North Carolina section of the library determined that the documents were taking too much shelf space and requested that EPA provide all the documents on compact disks (CDs) instead. Therefore, EPA removed the hard copies and provided the library with CDs of all the documents that were previously at the library; additional documents were also included. The EPA also posted some documents on the EPA On Scene Coordinator (OSC) website www.epaosc.org. These documents and many others were and continue to be housed in EPA's regional office and may be viewed during business hours at EPA Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303.

7. Why would EPA secretly designate properties as a CERCLA Superfund site in 1999, right when CTS was the source of contamination and already a CERCLA Site?

EPA did not secretly designate properties as a CERCLA Superfund site in 1999. On August 16, 1999, the North Carolina Department of Environment and Natural Resources (NCDENR) sent a letter to EPA's Emergency Response and Removal Branch (ERRB) requesting an immediate removal action evaluation. The letter specifically stated, "The NC Superfund Section requests that the U.S. EPA evaluate the Mills Gap Road Groundwater Contamination site for a possible removal action." The information that NCDENR provided to EPA supported the need for an emergency removal action to provide alternate drinking water to four homes that were drinking contaminated water supplied by one

spring and one well. Therefore, EPA created the Mills Gap Road Groundwater Contamination site, as NCDENR called it, in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database so the On-Scene Coordinator could access the funding necessary to supply safe drinking water to the families. After EPA established that the CTS site was the source of the contamination, the Mills Gap Road Groundwater Contamination site was rolled into the CTS site.

8. Why did it take 9 years for impacted families to be rightfully informed about the EPA's 1991 groundwater, surface water, and air testing results? Who at the EPA handled the EPA's CTS site results in 1991? And which EPA employees removed the site, in 1995, from the Superfund hazardous cleanup program?

As a result of the environmental assessment conducted by CTS in 1987, and in an effort to evaluate the site for listing on the National Priorities List (NPL), in 1989, the EPA conducted a site screening inspection phase I for the CTS facility which involved reviewing the state and federal files regarding the site. In 1990, the EPA conducted phase II of the investigation, which involved taking eighteen samples of soils, sediments, surface water, and one private well, which was three quarters of a mile away from CTS. While the sampling did indicate the presence of some contamination, based on the analysis of the migration pathways, the sampling data, the file materials, and the lack of known impacted receptors (such as drinking water wells with contamination from CTS), the investigation resulted in a determination of "no further action" for the CTS facility. In 1999, after the state discovered contamination in a nearby spring and a nearby drinking water well, it requested the EPA to review the facility for a federal removal action.

On January 25, 1995, the EPA Administrator announced the removal of approximately 25,000 sites from the CERCLIS inventory as part of the Brownfields Redevelopment Initiative.

CERCLIS is the database of site information for potential or confirmed hazardous waste sites addressed under the federal Superfund program. In CERCLIS, sites were given a designation of No Further Remedial Action Planned (NFRAP) if no additional federal steps under CERCLA would be taken at the site. Prior to 1995, the active CERCLIS database included both sites with the NFRAP designation as well as sites *needing* further evaluation or cleanup, which created a perceived threat of Superfund liability that was associated with many sites no longer of federal Superfund interest. In 1995, as part of the Agency's Brownfields Economic Redevelopment Initiative, the EPA addressed this perception problem by removing these NFRAP'ed sites from the active CERCLIS database and placing them in an archived sites database. The date that was used to memorialize this action was the NFRAP date in CERCLIS.

On February 15, 1995 the EPA headquarters removed nearly 24,000 sites from the national active CERCLIS inventory and placed them in an archived database. The CTS site was one of those sites. The NFRAP date was assigned in 1991, but the site was not placed into the archive database until 1995 as part of the Brownfields Redevelopment Initiative. On September 16, 1999, following the discovery of contaminated drinking water near the site, and because the CTS facility was identified as the probable source of that contamination, the EPA changed the CERCLIS site status designation for the CTS of

Asheville, Inc. Site from NFRAP to "Further Assessment Needed under CERCLA." For more information on this Superfund Reform Initiative, please go to http://www.epa.gov/superfund/programs/reforms/reforms/2-4c.htm .

9. Has EPA issued a contract to do the job?

EPA currently employs two contractors for the CTS site: Oneida Total Integrated Enterprises (OTIE) is performing oversight support of the work being performed by AMEC; and Environmental Restoration (ER) is assisting EPA with temporary relocation activities. In years past, EPA has contracted for certain response actions such as connection of five homes to the municipal water supply system after learning that their drinking water was contaminated with TCE.

When there is a Potentially Responsible Party (PRP), EPA makes every effort to compel the PRP to perform the work before the EPA performs it with taxpayer funds. This is why CTS Corporation is performing the Remedial Investigation/Feasibility Study (RI/FS) and removal actions, and why the EPA will use its enforcement tools to compel CTS Corporation to implement interim and final remedial actions, as appropriate.

10. Do other studies clearly show the area to be cleaned up?

Previous studies at the site have provided valuable data, but the full extent of contamination has not yet been defined. CTS Corporation has begun the remedial investigation process.

The remedial investigation serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the waste;
- assess risk to human health and the environment; and
- conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered.

Ground water assessment has included sampling conducted in monitoring wells at the CTS site and quarterly well water sampling within a mile radius of the CTS site. Additional sampling is needed during the remedial investigation to better define the extent of ground water contamination.

Soil sampling has been performed over years with the most recent events including the Soil Vapor Extraction Confirmation sampling which was performed in November 2013, and the NAPL Investigation that was conducted during September 2013 through February 2014.

Air sampling has been conducted in 2007, 2008, October 2012, April 2014 and June 2014. The extent of air contamination is fairly well defined, but additional sampling may be needed.

Surface water and sediment sampling has been conducted over the years, but additional sampling may be needed to define the extent of contamination.

The RI/FS Work Plan will identify data gaps to determine whether additional sampling of air, ground water, surface water, soil and sediment are needed.

11. How does EPA propose to actually clean up the site? Through removing TCE? Other methods?

CTS Corporation has already used soil vapor extraction (SVE) technology to remove approximately 6,473 pounds of volatile organic compounds (including TCE) in the soil in the source area that lies above the ground water. Further potential cleanup actions are being developed, screened, and evaluated in the Feasibility Study portion of the RI/FS. After the RI/FS is completed, EPA will inform the community about the different cleanup actions evaluated, will propose one or more options to use for the cleanup of the site, and will seek input from the public about the proposed options.

12. Will the cleanup involve removing dirt from the site?

It is unknown at this time whether soil removal will be a part of the site cleanup. The NAPL investigation and Soil Vapor Extraction (SVE) confirmation sampling reports were received from CTS Corporation's contractor on May 5, 2014. Together these reports constitute the most comprehensive effort yet to define the horizontal and vertical extent of contamination beneath the CTS site. The SVE Confirmation Sampling Report concludes that the SVE system was effective in cleaning up the soil above the water table. The remaining contamination is below the water table and extends to the top of bedrock, which varies across the site from 28 feet to 81 feet below the surface. The suspected NAPL contamination itself is an estimated 10 to at least 45 feet thick, depending on location. Excavation with heavy equipment in soil below the water table and at such depths is extremely problematic due to the extensive shoring and dewatering that would be required, the very large soil stockpiles that would have to be placed nearby, excavation difficulties when bedrock is encountered, and the large volume of soil that would have to be transported somewhere for disposal. Although excavation will be an alternative that is evaluated, other technologies may prove to be more promising. Some examples include multi-phase extraction, in-situ chemical oxidation, steam injection, and electrical resistive heating. All of these technologies have limitations, however, and will likely require bench and/or pilot scale testing prior to full scale implementation.

13. If so, how much dirt would have to be removed?

See answer to question 12, above.

14. How does EPA propose to clean up the underground streams that flow through the site?

EPA assumes that by "underground streams" this question refers to ground water that flows through fractures. Once all the investigation data has been obtained for the Remedial Investigation (RI), a remedy will be developed that will address the ground water cleanup. Various remedies will be evaluated depending on the contaminant location and composition.

15. Does EPA know the source of the streams before entering the site?

EPA assumes that by "underground streams" this question refers to ground water that flows through fractures. Once the Remedial Investigation (RI) is complete, a conceptualization of the site will be developed that informs the source of ground water coming onto the site. Knowledge of the fracture system will be obtained during the RI that will aid in understanding the ground water flow onto and from the site.

16. Does EPA know where the streams are on the site?

EPA assumes that by "underground streams" this question refers to ground water that flows through fractures. Presently there is a preliminary understanding of ground water flow on the site. Monitoring wells are on the site; some are shallow, and some are deeper within the top of bedrock. Knowledge of the fracture system is the missing component from a complete understanding. The Remedial Investigation (RI) will provide a better understanding of the fracture system.

17. Does EPA know how far down the streams are from the surface?

EPA assumes that by "underground streams" this question refers to ground water that flows through fractures and that the question is referring to the depth to ground water. Depth to ground water varies across the site and also varies depending on when measurements are taken. In September 2013 water levels ranged from 1.7 feet above the ground surface to 43.11 feet below ground surface.

18. What is the depth of the contaminated soil?

The full extent of the depth of the contaminated soil has not yet been determined. The deepest soil samples that have been collected to date at the site were collected during the 2013-2014 NAPL Investigation. The deepest soil sample was collected at 49 feet below the land surface and had a TCE concentration of 3,170 micrograms per kilogram (µg/kg). TCE concentrations vary across the site. TCE concentrations range from "not detected" in some of the shallow soil samples collected during previous investigations to 1,200,000 µg/kg in a sample collected at 28 feet below the land surface during the NAPL Investigation.

19. Does EPA know of a neutralizer that can be used?

EPA assumes that your term "neutralizers" means the use of chemical and biological treatment reagents that are among the available technologies that can treat contaminants to reduce volume, toxicity or mobility. All of these technologies have limitations, however, and will likely require bench and/or pilot scale testing prior to full scale implementation. EPA has issued written direction pursuant to the 2012 RI/FS Order for CTS to undertake a Focused Feasibility Study (FFS) to evaluate and choose a technical approach for an interim remedial action to reduce contaminant mass in the source area identified in the recently completed NAPL Investigation. On August 11, 2014, CTS submitted a draft FFS Work Plan that the EPA is currently reviewing.

20. Does the cleanup also involve the affected residents' soil that is allegedly contaminated?

The full extent of contamination has not yet been determined. After the RI/FS and risk assessments are completed, cleanup plans will be developed for the site. Cleanup options will be evaluated if data review and risk assessments indicate that a cleanup is needed for residential properties.

21. What is the name of the contractor for the cleanup?

CTS Corporation's contractor AMEC, formerly known as MACTEC, operated a soil vapor extraction (SVE) system at the site years ago. Since that time, CTS has thus far employed AMEC to develop work plans and other deliverables requested of CTS by EPA. AMEC has contracted with other vendors, such as Culligan, Zebra Environmental and A&D Environmental Services to conduct certain aspects of the work. Other cleanup plans have not yet been developed nor have they been awarded to a specific contractor.

22. Is the EPA paying for the cleanup? If not, it should be the one to pay, due to its negligence over the past one quarter of a century.

The EPA is not paying for the cleanup. The EPA has a long-standing "enforcement first" policy. When there is a Potentially Responsible Party (PRP), EPA makes every effort to compel the PRP to perform the work before the EPA performs it with taxpayer funds. This is why CTS Corporation is performing the RI/FS and removal actions, and why the EPA will use its enforcement tools to compel CTS Corporation to implement interim and final remedial actions, as appropriate. Fund-lead remedial actions can be implemented if enforcement is not successful.

23. How was it decided that the cleanup will be complete in 2016?

It has not been decided that the cleanup will be complete in 2016.

Targets for 2016, and beyond, included in APPENDIX B, Projected Future Activities and Schedule, of the CTS OF ASHEVILLE SUPERFUND, INC. SITE STATUS AND FUTURE PLANS document last provided to local congressional office on July14, 2014 were listed as follows:

- Spring 2016 - Begin design/construction of interim action remedy for NAPL remediation.
- Fall 2016 - Complete construction of the NAPL interim remedial action remedy (could be sooner or later depending on the technology selected). This constructed remedy may then have to be operated for months or years before completion.
- Fall 2016 - Finalize/approve the Site-wide RI/FS, complete public participation and Issue Record of Decision for Site-wide remedy.
- Spring-summer 2017 - Begin design/construction of Site-wide remedy.
- Spring-summer 2018 - Complete construction of Site-wide remedy (could be sooner depending on the technology selected). This constructed remedy may then have to be operated for numerous years before cleanup can be declared "complete".based on achieving cleanup levels in ground water.

It is possible that certain interim remedial action projects will be completed prior to 2016, but full site-wide remediation to achieve acceptable cleanup levels will take longer.

24. What is the estimated total cost?

It is not possible to estimate what the total cost for the cleanup will be at this point in time because the full extent of the contamination has not yet been defined, and the cleanup technology has not been selected. During the Feasibility Study, different cleanup options will be evaluated and cost estimates created. A Proposed Plan, which evaluates alternatives, and identifies the EPA's preferred alternative, will then be distributed for public review and comment. This Proposed Plan will present the cost estimates as part of the evaluation of clean up alternatives.

25. What assurance is there that, this time, the cleanup will be truly effective?

The cleanup of this site involves addressing contamination in the soils, surface water, groundwater (including drinking water), ambient air, and possible sediments. To date at this site, the EPA has taken action to protect the citizens of this area from contamination and/or potential contamination of their drinking water by providing bottled water as a temporary measure and connecting homes to the municipal supply as a permanent measure. In 2004, CTS Corporation under EPA direction took action to remove contamination from the soil beneath the former CTS plant via soil vapor extraction technology. As previously discussed in the answers to Questions #1, and #5, at the present time, the EPA is reviewing CTS's draft work plans to address the contamination in the springs and to conduct an FFS for the NAPL source area.

The EPA measures the effectiveness of a cleanup by whether the goals of the cleanup are met. In general, these goals are to eliminate, reduce or control risks to human health and the environment from the contamination. Each action involved in the overall cleanup has a particular goal, for example, by providing bottled water and then municipal water supply, the goal is to eliminate any risk from using private wells with potentially contaminated water. EPA evaluates each action to ensure its respective goal(s) are met and, if not, determines whether other actions are needed.

26. Why is there is no mention of the DNAPL removal actions for the source? And why have many suggested that the timeline is so flawed, beginning with it starting in 1999?

The NAPL investigation and Soil Vapor Extraction (SVE) confirmation sampling reports received from CTS Corporation's contractor on May 5, 2014, show unequivocally that the "source" of contamination at the CTS site is located below the water table and thus in the ground water. In fact, levels of contamination above the water table are low and do not serve as a significant continuing source of contamination of the ground water. The NAPL study does show very high levels of contamination in the ground water and deeper soils and confirms the presence of NAPL in the ground water system. EPA does not typically conduct removal actions to address contaminated ground water and/or NAPL. Therefore, as part of the RI/FS process, EPA has directed CTS to conduct a Focused Feasibility Study (FFS) to identify and evaluate cleanup alternatives for the ground water source area on and around the former CTS facility. This FFS will be followed by an Interim Record of Decision that will lay out a cleanup plan.

We are not aware that many have suggested the timeline is flawed and are unable to answer this question without additional information.

27. Why is EPA stating its position on digging up the source as not viable when, according to some sources, EPA accepted, from CTS and its contractor, digging up the source as one of two viable actions in May 2004?

The NAPL investigation and Soil Vapor Extraction (SVE) confirmation sampling reports were received from AMEC on May 5, 2014. Together these reports constitute the most comprehensive effort yet to define the horizontal and vertical extent of contamination beneath the CTS site. The SVE Confirmation Sampling Report concludes that the SVE system was effective in cleaning up the soil above the water table. The remaining contamination is below the water table and extends to the top of bedrock, which varies across the site from 28 feet to 81 feet below the surface. The suspected NAPL contamination itself is an estimated 10 to at least 45 feet thick, depending on location. Excavation with heavy equipment in soil below the water table and at such depths is extremely problematic due to the extensive shoring and dewatering that would be required, the very large soil stockpiles that would have to be placed nearby, excavation difficulties when bedrock is encountered, and the large volume of soil that would have to be transported somewhere for disposal. The cleanup in 2004 was conducted as a removal action and was therefore limited to the soil above the water table. Excavation was considered as a viable alternative to address this relatively shallow contamination; however, the SVE system was ultimately chosen to address soil contamination.

28. When can we expect EPA to honor/enforce the terms of the AOCs?

The EPA has been, is now, and plans to continue enforcing both the 2004 Administrative Order on Consent for Removal Action (AOC for Removal) and the 2012 Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study (AOC for RI/FS). At the direction of the EPA, CTS is addressing the air contamination from the springs as a time-critical removal action under the "Additional Removal Actions" provision in the AOC, which allows the EPA to require CTS to take actions beyond those described in the original Scope of Work as necessary to protect public health, welfare, or the environment. CTS is complying with the AOC for RI/FS by conducting a Focused Feasibility Study.

29. We understand that the main contaminant – T C E - is often called "sinker" by environmental experts because it usually sinks way down into the bedrock where it is hard to find and even harder to cleanup. We also understand, however, that recent studies at the CTS site have shown that the TCE contamination is also acting as a "floater" because it is bound up with petroleum contamination floating at the surface of the groundwater. Unlike "sinkers", we understand that "floaters" are comparatively easy to cleanup. Since this is the case, why isn't EPA requiring CTS to move forward immediately to address the floating contamination while the work to investigate the sinker contamination is ongoing?

Data from the NAPL investigation indicates that, on portions of the site, the NAPL is a mixture of TCE and petroleum products. The ground water concentrations in the deeper wells indicate there

could be a DNAPL nearby so the initial shallow NAPL investigation is only part of the data set that will develop a comprehensive cleanup plan. The EPA has directed CTS Corporation to conduct an interim remedial action by first developing a Focused Feasibility Study to address the NAPL plume at the site.

30. NAPL as a whole is addressed but not LNAPL (floater) and DNAPL (sinker). According to experts, both can be handled in different ways, at the same time. Thus, the question is whether the EPA has the legal documents that give it the authority to make CTS address remedies now. If so, will the EPA exercise its authority to ensure CTS to begin cleanup in the near future?

The EPA has the authority under CERCLA to select and implement cleanup at the CTS site. Data gathered to date does not fully characterize the nature and extent of the contamination. An RI still needs to be completed to inform a remedy selection for DNAPL, LNAPL, and dissolved phase groundwater contamination. The FS, which evaluates remedial options and provides the analysis to select the best/protective remedy, is developed after the RI. Under the remedial process, an RI/FS must be completed before EPA can select an overall cleanup plan for the site. The EPA has directed CTS Corporation to conduct an interim remedial action by first developing a Focused Feasibility Study to address the NAPL plume at the site. After the FFS is completed, EPA will select a cleanup alternative and will use its authority to request that CTS Corporation implement the cleanup action.

31. Why not advocate for a comprehensive remediation that works on removing both LNAPL (floaters) and DNAPL (sinkers)? These types of treatments exist. Also, is the Agency aware whether AMEC (who has been identified to us as CTS's contractor) has done either (or both removals) in the past?

There are remedy combinations that can simultaneously address both LNAPL and DNAPL contamination. Once the deeper remedial investigation is completed EPA will have an in-depth assessment of the fracture system beneath the CTS site, and will have sufficient information to develop a comprehensive treatment strategy. AMEC has experience working on NAPL sites.

AL-14-W1-3182

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RANKING MEMBER

Congress of the United States

U.S. House of Representatives
Committee on Small Business
2361 Rayburn House Office Building
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July 31, 2014

The Hon. Bob Perciasepe
Deputy Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Deputy Administrator Perciasepe:

Thank you for appearing before the Committee on Small Business to discuss the Environmental Protection Agency's compliance with the Regulatory Flexibility Act. We appreciate your willingness to answer the Committee's questions.

I hope that the EPA will work to improve its compliance with the RFA and continue to engage in a constructive dialogue with the Committee on this topic in the coming months. I believe, as the other Committee members on both sides of the aisle do, that engaging in the required outreach and analysis will help EPA to craft better rules and improve its relationship with the small business community.

Thank you again for your time. As you mentioned, such efforts to engage with Congress will help build the bridges needed to better serve the American people.

Sincerely,

Sam Graves
Chairman